

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES CHRISTOPHER SCHMIDT,	)	
	)	
Plaintiff,	)	4:06CV3285
	)	
v.	)	
	)	
DUSTY BRYNER, et al.,	)	ORDER
	)	
Defendants.	)	
	)	

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IT IS ORDERED:

Paragraph 3 of the final progression order, filing 21, is amended as follows:

3. **Disclosure of Expert Witnesses.**<sup>1</sup> Each plaintiff, counter-claimant, and cross-claimant shall, as soon as practicable but not later than September 28, 2007, serve all opposing parties with the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705, Fed. Rules of Evidence. Each defendant, counter-defendant, and cross-defendant shall serve its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705, Fed. Rules of Evidence, pursuant to Fed. R. Civ. P. 26(a)(2) as soon thereafter as practicable, but not later than October 31, 2007. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than November 16, 2007, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) **and** makes the expert witness available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). **The testimony of the expert at trial**

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<sup>1</sup>A treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in a case" so as to require a written report under Fed. R. Civ. P. 26(a)(2)(B).

shall be limited to the information disclosed in accordance with this paragraph.

DATED this 13<sup>th</sup> day of June, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester

United States Magistrate Judge